

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL L. SHWARTZ

PLAINTIFF

VS.

CIVIL ACTION NO. 4:16-cv-00115-MPM-JMV

HICHAM KHODR

DEFENDANT

MOTION FOR RULE 11 SANCTIONS

NOW INTO COURT, through undersigned counsel, comes Defendant, Hicham Khodr (“Khodr”), who pursuant to Rule 11 of the Federal Rules of Civil Procedure, moves this Court for appropriate sanctions (including, but not limited to, attorneys’ fees and costs) against Michael L. Shwartz (“Shwartz”) and his counsel. As more fully set forth in the attached Memorandum, this litigation was filed to harass, cause unnecessary delay, and needlessly increase the cost of litigation, all in violation of Rule 11. This suit was filed with full knowledge that the very issues set forth in Shwartz’s Complaint are currently pending before the U.S. District Court for the Eastern District of Louisiana in a suit which names both of the parties involved herein, and the United States Fifth Circuit has already ruled on the admissibility of parol evidence, a decision which binds this Honorable Court. Unsatisfied with the ruling by the Fifth Circuit, Shwartz seeks to subject Khodr to duplicative and abusive litigation in violation of Rule 11.

WHEREFORE, Hicham Khodr respectfully prays that this Honorable Court grant his Motion for Rule 11 Sanctions and award attorney’s fees and costs incurred in defending this matter or for other appropriate sanctions and/or other relief, general and equitable, as the case may permit.

Respectfully submitted this the 10th day of August, 2016.

HICHAM KHODR
Defendant

BY: /s/ Joshua A. Hill
JOSHUA A. HILL
MS Bar No. 103261

AND

MARK A. DREHER
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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I, Joshua A. Hill, hereby certify that on this day I caused the foregoing to be electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to all registered attorneys:

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ATTORNEYS FOR PLAINTIFF

SO CERTIFIED this, the 10th day of August, 2016.

/s/ Joshua A. Hill
JOSHUA A. HILL